



BUILDING AND STANDARDS COMMISSION
MINUTES

REGULAR
Date: June 17, 2015

The Building and Standards Commission convened in a regular meeting on Wednesday, June 17, 2015, at One Texas Center, 505 Barton Springs Road, Austin, Texas.

Commission members in attendance: David Brown, Chair; Steven Alloway, Vice-chair; Charles Cloutman; Craig Wright; Wordy Thompson and Melissa Orren.

Staff in Attendance on June 17th: Christopher Moore, Building & Standards Commission Coordinator; Marcus Elliott, Division Manager; Robin Harris, Assistant City Attorney; Carl Smart, Director; Dan Cardenas, Assistant Director; Merlinda Coleman, Program Specialist; Matthew Noriega, Assistant Division Manager; Alicia Tovar, Code Officer; Hilda Martinez, Code Officer; Dennis Vaughn, Code Officer; Eliza Torres, Code Officer; Chris Maldonado, Code Officer; Franklin Fejarang, Division Manager; Natacha Delusca, Administrative Specialist.

CALL TO ORDER

The BSC Coordinator called the commission hearing to order at 6:30 p.m.

1. CITIZEN COMMUNICATION: GENERAL

No speakers.

2. PUBLIC HEARINGS

a. New Cases

**i. 1911 Barge Street; Arthur Garcia
CL # 2015-054766**

1911 Barge Street is a single family residential structure that is occupied. The case is not represented. Property owner was aware of the hearing but chose not attend. Code engaged the owner prior to the hearing regarding the terms, conditions and findings of a recommended proposed agreed order.

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 of the Austin City Code and is therefore a public nuisance of exterior substandard and unsanitary conditions.

Staff recommended the following agreed order to the Commission: adopt the Findings of Fact and Conclusions of Law identified for this property; admit Exhibit 1 and Exhibits 2A thru 2J; adopt the proposed agreed order for 1911 Barge Street and issue an order that requires the property owner or owner's representatives to secure all necessary permits;

correct the cited violations by completing all repairs to the structure within sixty (60) days from the date the Order is mailed to the owner(s); repair or make all modifications to meet or exceed the requirements of all applicable codes; require the owners or owners' representative(s) to request inspection to verify compliance; and be assessed a penalty of \$770 per week after sixty (60) days, if all work has not been completed with final inspection passed; and order if the City incurs expenses consistent with this order to vacate, secure, remove, or demolish the building, and/or relocate any occupants, the City may assess its expenses against the property and file a lien for all expenses incurred by the City in the deed records with the Travis County Clerk's Office, unless exempted by the Texas Constitution.

Chair Brown admitted Exhibits 1 and 2A through 2J without objection.

Vice-chair Alloway made a motion to adopt recommended order. Commissioner Mangrum seconded the motion. The motion was approved unanimously.

**ii. 8909 Briardale Drive; Francisco Romero
CL # 2015-040912**

8909 Briardale Drive is single-family structure that is occupied. The case was not represented.

The City of Austin code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: adopt the Findings of Fact and Conclusions of Law identified for this property; admit Exhibit 1 and Exhibits 2A thru 2F; order restoration of hot water and electricity be restored within fourteen (14) days of the date the Order is mailed to the owner; require the owners or owners' representative(s) to request inspection to verify compliance; if restoration of utilities are not completed within fifteen (15) days, the occupants of the single-family structure shall vacate, relocate, and secure the structure within 48 hours of the following day after the Order is mailed; and order the structure to remain vacant and secured until compliance is achieved; if the single-family structure and premises is not vacated, this Order hereby authorizes any Peace Officer of the state, including a sheriff or constable or designee of the Austin Chief of Police to enforce and carry out this Order; and the structure shall remain vacant and secured until compliance is achieved; and order if the City incurs expenses consistent with this order to vacate, secure, remove, or demolish the building, and/or relocate any occupants, the City may assess its expenses against the property and file a lien for all expenses incurred by the City in the deed records with the Travis County Clerk's Office, unless exempted by the Texas Constitution.

Chair Brown admitted Exhibits 1 and 2A through 2F without objection.

A motion was made by Commissioner Cloutman to adopt the Findings of Fact and Conclusions of Law as presented by staff and to accept staff's recommendation. Commissioner Wright seconded. The motion was approved unanimously.

b. Returning Cases

**i. 1512 Wheless Lane; Deloach Property
CL # 2014-084269**

1512 Wheless Lane is a commercial structure that is partially occupied. The case was represented by Michael Jones (contractor) and Meri West (contractor).

The property is a returning case. A repair order was issued at the December 10, 2014 hearing. Case was brought back at the request of the Commission for lack of compliance and to possibly modify the existing December 2014 BSC order.

The City of Austin Code Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12- 211 through 25-12-213 Austin City Code and is therefore a public nuisance with dangerous and substandard conditions.

Staff recommended the following to the Commission: to keep the existing December 10, 2014, order in place and adopt the Findings of Fact and Conclusions of Law for this property; admit Exhibit 1 and the photographs marked 2A through 2H.

Chair Brown admitted Exhibits 1 and 2A through 2H without objection.

A motion was made by Commissioner Cloutman to adopt the Findings of Fact and Conclusions of Law as presented by staff and to accept staff's recommendation to continue monitor the property; and if staff deems it necessary, then bring the case back to the Commission for further review if progress is not being made. Commissioner Orren seconded. The motion was approved unanimously.

**ii. 5405 South Pleasant Valley Road; Pleasant Valley Plaza, LLC
CL # 2014-001340**

5405 South Pleasant Valley Road is a commercial property. The case was represented by Sandi Momin (co-owner) of Pleasant Valley Plaza, LLC and Phil Moncada (consultant).

The property is a returning case. An agreed order for repair order was reached and issued at the June 25, 2014 hearing. The property reached compliance and at the request of the owners was brought back at the Commission to review the case and possibly reduce the current penalties from the June 25th BSC order.

Staff recommended the following to the Commission: adopt the Findings of Fact and Conclusions of Law identified for this property; reduce the current penalties to \$15,000.00.

Commissioner Cloutman made a motion to reduce the current penalties to \$15,000.00. Commissioner Alloway seconded. The motion was approved unanimously.

3. BRIEFING AND DISCUSSION

- a.** A budget financial forecast presentation/update was presented to the Commission by Franklin Fejarang and Natacha Delusca of the Austin Code Department.

4. ADJOURNMENT

Chair Brown adjourned the hearing without objection at 9:00 p.m.